

Exhibit "34"

January 28, 1999

SRI Andrew Lopez,
Honolulu International Airport
Honolulu, Hawaii

Andrew,

This letter is to confirm our discussion of today during which I informed you that your performance has fallen below the Fully Successful level in two critical elements of your performance work plan. These critical elements and the performance standard for them were discussed and an example of your performance follows:

CRITICAL ELEMENT #3. Gathers, analyses and disseminates intelligence information.

Performance Standard(s):

EXCELLENT:

Performance exceeds the fully successful standard in that the officer actively seeks intelligence information from new and existing sources and collates it in an informative manner. Devises improved methods of utilizing the available intelligence within and outside the Service, and disseminates pertinent data to the appropriate parties of interest. Case-related intelligence is gathered, received or disseminated and leads to prosecutions, or a cessation of activity. No deficiencies noted.

FULLY SUCCESSFUL:

Seeks intelligence information from various existing sources and collates it in an informative manner. Occasionally offers input in applying pertinent intelligence information to effective use. Disseminates data to other officers timely. Not more than two deficiencies noted within rating period.

MINIMALLY SATISFACTORY:

Rarely attempts to gather intelligence. Analysis, collation and dissemination of data is haphazard and sporadic. Offers little input into the intelligence operation and requires direction from supervisor to

EXHIBIT "34"

participate in the program. Three or more deficiencies documented within rating period.

As has been noted in PART II -- Progress Review Record for the critical element of Intelligence on your performance work plan for the period covering 04/01/98 through 09/30/98, you submitted two G-392 Intelligence Reports during a period spanning six months. There is no record of you having made any other contributions in the area of Intelligence other than a report of an interview sent to the INS office in Seoul.

The expected number of G-392's per Senior is one per month. This expectation has been communicated to you on different occasions, most recently on April 06, 1998 when I circulated a revised version of a document titled "Expectations of Senior Inspectors."

Your input into the Intelligence program at this port can take forms other than the generation of G-392 Intelligence Reports. You may wish to create Fraud Bulletins for the benefit of international carriers serving Honolulu which alert them to new alien smuggling schemes or to new types of fraudulent documents encountered here. You may wish to distribute Fraud Alerts to Inspectors at this port which give Inspectors a "heads-up" as to fraud trends which they should be aware of when working primary or secondary. Or you may wish to create Document Alerts which also serve to give this port's inspectors a "heads-up" as to the latest trends in document fraud.

There are many possibilities in the area of Intelligence. Do not consider this a complete list of the forms which your contribution to this port's intelligence program may take. I am open to suggestion.

CRITICAL ELEMENT #4: Provides training in areas of terrorism, drug, alien smuggling and document fraud, post academy and firearms.

Performance Standard(s):

EXCELLENT:

Performance exceeds the fully successful standard in that the officer plans and provides frequent training updates to ensure general awareness of current fraud/criminal activity. Officer is resourceful in applying research and materials, including visual aids, for a more effective presentation.

Progress evaluations are always done fairly and timely. Problems are addressed and solutions offered to the maximum benefit of the trainees. No deficiencies noted.

FULLY SUCCESSFUL:

Develops and conducts timely training sessions for all officers at port of entry. Presents material that is current and technically accurate. Evaluations of student progress are done fairly and submitted timely for post academy class and/or firearms proficiency training. No more than two deficiencies noted within rating period.

MINIMALLY SATISFACTORY

Seldom conducts training sessions and only at the specific direction of a supervisor. Presents material that is inaccurate or not current. Ineffective in evaluating trainee's progress for post academy class and/or firearms proficiency training. Three or more deficiencies noted within rating period.

As has been noted in PART II -- Progress Review Record for the critical element of Training on your performance work plan for the period covering 04/01/98 through 09/30/98, you did not conduct any training during this period of time. On August 31, 1998, you were given lead responsibilities for SRI participation in this port's "blitz" team and you were encouraged to conduct training which inspectors who participate in "blitz" operations would find helpful.

Recently, the operations of the "blitz" teams and the "roving" teams were consolidated. "Blitz" teams, (inspectors who meet arriving flights to screen disembarking passengers) and "roving" teams, (inspectors who look for inadmissible aliens in Customs), will now be working as one team under your direction.

You will be responsible for providing the Administrative Supervisor with a daily schedule of at least six inspectors who are assigned to conduct blitzes or to rove, (or both). This schedule is to be prepared at least one day in advance. Depending on your case load, you have the option of including yourself in the list of assigned inspectors.

You will be expected to hold monthly meetings of team members to get input and ideas from them. Team meetings should also recognize potential security issues.


Your participation in this program will provide you with ample opportunities to train inspectors. You should determine the training needs of individual inspectors on the team and then develop appropriate training materials. You may make use of existing "blitz" training outlines prepared by other Senior Inspectors. The material should be updated to reflect the most current trends encountered here. You are also encouraged to make use of document fraud training materials which already exist here, (which will have to be updated), and which you have presented previously in training for carrier agents in August, 1997.

This is a tremendous opportunity for you to develop this idea into an on-going program resulting in the intercept of greater numbers of inadmissible aliens. Your participation in this program will also give you the first chance at developing cases which may turn into criminal prosecutions.

Beginning on the date you receive this letter, you will be given 30 days during which you will have an opportunity to demonstrate performance which meets the Fully Successful standard. I will be monitoring your performance closely during this period and, at the end of the period, I will evaluate your performance and make a determination whether your performance has become Fully Successful during the period. You will be informed soon thereafter of whatever further action is to be taken.

If you have any questions on this matter, feel free to talk to me. I am available to answer your questions and to assist you in improving your performance during this period.

Sincerely,



Kelly B. Brehm

Author: Kelly B Brehm at WRC DHW-HNL-001
Date: 3/18/99 8:22 AM
Priority: Normal
Receipt Requested
TO: Andrew Lopez
Subject: Briefing for Staff on 03/17/99 Incident

Andrew,

Please be prepared to give a briefing to all staff members on yesterday's incident involving the four PRC's off of the NZ 10 flight. I have asked Ricky to prepare overheads of the altered Japanese passports for your use in this presentation. Ben has also prepared a Fraud Bulletin for the carriers on this incident. It contains good information which you can use in your briefing. I will give you a copy of this Fraud Bulletin.

This briefing should be done before the end of the month. It will be considered as a part of your responsibilities in the critical element of training in your Performance Work Plan. If you have any other ideas as to other types of training you want to do before the end of the rating period, please discuss with me.

Also, as you have completed two G-392's recently, you have met the minimal requirements to be rated Fully Successful in the critical area of Intelligence which I laid out for you when I gave you your last performance review.

The Performance Improvement Plan which I served on you then should be considered as nothing more than an "Advisory Performance Improvement Plan." According to Regional personnel, management is not required to place an employee on a Performance Improvement Plan until that employee's performance during a rating period has actually fallen below Fully Successful. Performance Improvement Plans are not required during performance reviews.

If you conduct this briefing before the end of March, I will consider you to have met the requirements for at least a Fully Successful rating as spelled out in the Advisory Performance Improvement Plan which I gave you previously. Any additional training which you have done will also be considered if you bring it to my attention.

Please let me know if you have any questions.

Thank you,

Kelly

April 06, 1998

To all SRI's,

The attached "Expectations of Senior Inspectors" was done initially about two years ago. I decided it was time to revise it. Please take the time to read this carefully and let me know if you have any questions or comments. We can discuss most anything, (but no guarantees that I'll change anything!). Make your own copy if you want. Please return to me after initialling and routing.

Thanks,

Kelly
Kelly

READ & INITIAL

DATE: 4/6/98

BREHM

BUMANGIAG *JB*

KOJIMA *CK*

LOPEZ *lk*

MOSS *Jim*

MURATA *X*

WESTLAKE *hw*

April 06, 1998

EXPECTATIONS OF SENIOR INSPECTORS

PROSECUTION CASES

- *Be on the lookout for cases which could become criminal prosecutions: Alien Smuggling, (8 USC 1324); False Statements, (18 USC 1001); Visa Fraud, (18 USC 1546); Re-Entry After Deportation, (8 USC 1326); Document Fraud, (18 USC 1543 or 1544).*
- *Be familiar with these criminal statutes and the elements necessary to show probable cause that a particular crime has been committed.*
- *Always think about how a case will look if presented to an Assistant U.S. Attorney, a U.S. Magistrate, a defense attorney, or a jury. PRESERVE EVIDENCE & SAFEGUARD THE ADMISSIBILITY OF EVIDENCE*

Individual cases to be presented to the U.S. Attorney are to be reviewed with me first. With your input, it will be decided if a case can be telephonically presented or if it merits a written presentation.

- *Do not assume that a particular case will be automatically declined. You are setting yourself up for failure. The types of cases which need not be presented for prosecution are very limited. They are:*

1) persons whose entry under the Visa Waiver program is to be refused on the day of their arrival due to their admitted criminal history. These cases fall under the "Not Presented" heading as "within a class declared in writing by the appropriate U.S. Attorney to be unworthy of consideration," (see G-197). These are persons whose I-94W do not indicate any criminal history in answer to question #B. Cases involving false statements in response to other questions listed on the reverse of the I-94W, (prior deportations or denial of a visa, etc.), are to be presented for prosecution.

2) persons who attempt entry with altered, counterfeit or fraudulently obtained travel documents when we cannot show aggravating factors. Aggravating factors may be prior attempted entries or the existence of a criminal history which would have prevented the individual from obtaining a visa or other travel document in their own name. These cases fall under the "blanket waiver" section under "Declined".

In these cases, I expect you to ROUTINELY use all resources at our command to verify that an individual has never been in the United States previously. This includes running fingerprints, (via fax message, if necessary), through the FBI. Remember that in order to get one of these cases accepted for prosecution, we must show that an individual has previously attempted entry in a similarly fraudulent manner. This is not an insurmountable barrier.

- Remember that you are building a reservoir of goodwill with the U.S. Attorney's office when you present ALL possible criminal cases, even if you recommend that an individual case NOT be prosecuted.

INTELLIGENCE

- Look at all cases brought to your attention for their possible intelligence value. If the scheme involved in the case appears to you to be unique, then it probably is and should be reported in a G-392.
- Submit one G-392 Intelligence Report per month. These reports should be submitted to me for review. They can then be distributed. I strongly suggest that you develop your own G-392 distribution network in cc:mail. At the very least, G-392's MUST be distributed to WROINT and HQINT. Other offices to receive your report will depend on what is being reported and which other offices are affected by the reported scheme.
- Make a single hard copy of each G-392 you do and store it in the SRI Unit work product folder located near my desk.
- G-392 Intelligence Reports may be as simple as reporting on a one-time incident such as the arrival in Honolulu of a group of smuggled

aliens on a flight. If so, they are to be researched completely, chronologically organized, (including disposition) and well-written. Make certain your G-392, like all of your written work, is as good as you can make it before submitting it to me. Proofread your own work for clarity and brevity of expression.

- *Constantly think about how we can do a better job with long-term, "big-picture" Intelligence products which help to illustrate trends. These Intelligence products may become SOI projects with an SRI overseeing collection, collation, analysis and dissemination*
- *Make certain that you are familiar with ALL intelligence resources available in the Unit and how to retrieve and use these resources. This includes Asian Organized Crime, ("AOC"), and Yakuza Documentation Center, ("YDC"), databases, prosecution and flight file logs, smugglers lists and where to locate files, (including Accepted, Declined, Not Presented and Flight files).*
- *Other Intelligence products for which the Unit is responsible are Fraud Bulletins, Intelligence Alerts and Document Alerts.*
 - 1) *Fraud Bulletins disseminate information to carriers about names under which smuggled aliens have travelled to the U.S.; new types of document fraud which ticketing and boarding agents should be able to spot; and new smuggling schemes which involve boarding pass switches or the use of transit lounges. Fraud Bulletins must be reviewed before dissemination.*
 - 2) *Intelligence Alerts disseminate time sensitive intelligence to all officers. This can be done through cc:mail to the entire port or by posting hardcopies on the bulletin boards in the main office. Given that some of the items in an Intelligence Alert may be time sensitive, you are not required to get my approval prior to posting or otherwise disseminating them, (by cc:mail). However, if you post something on a bulletin board, you should have an Assistant Port Director, (or higher), initial off on the alert prior to posting.*

3) Document Alerts educate all officers at the port on the latest fraud document intercepts. Document Alerts should be posted on a bulletin board. Given the increasingly sophisticated means by which documents are being altered, a document alert should be prepared almost every time we intercept a bad document. Again, you need not get my approval before posting a document alert but you should have at least an APD approve the posting.

TRAINING

- You should consider all facets of training which the SRI Unit is involved in as a possibility for you to provide feedback and input. For instance, the Unit has responsibility for training on the subject of Japanese Organized Crime. If in your view this training is not what it could be, suggest changes to it. The same is true for training in the areas of document fraud, terrorism and intelligence.
- Range Masters who conduct qualification and remedial training at least once a quarter will meet the Fully Successful level of performance. Other SRI's who conduct at least two training sessions per year will also meet the Fully Successful standard.
- Discussion of fraudulent documents in Open Forums and/or staff meetings also comes under the heading of training. Let me know ahead of time what you want to discuss in either an Open Forum or a staff meeting.
- Look at your involvement in secondary as a part of your training responsibilities. You should constantly approach your work in secondary not only as a means to achieve the goals of the SRI Unit but also as a means by which you can help to develop better inspectors. Most of our inspectors can greatly benefit from the knowledge, experience and expertise of Senior Inspectors. Your careful review of a sworn statement can be a good learning tool for the inspector who took the statement.

CONDUCTING SECONDARY INSPECTION

- *You will be assigned to secondary at least once a week. This may change given individual officer's workloads or pending cases. This does not mean that you will be in secondary. It means that you will be the first SRI assigned any cases of potential SRI interest. Your involvement in these cases may be nothing more than reviewing sworn statements taken from persons whose inspection is being deferred for a criminal history check. It may extend to taking over a case involving an alien smuggler. Regardless of what type of case it is, approach all of them as potential prosecutions.*
- *Remember that you are to keep the secondary supervisor informed of your progress in the case and its eventual disposition.*

PROFESSIONAL RELATIONSHIP WITH OTHERS

- *Members of the SRI Unit should think of themselves as having a very unique position at this port. It is your responsibility to make certain that cases involving criminal aliens and alien smugglers are properly presented to the U.S. Attorney's office for prosecution. In order to do this effectively and with any degree of success, you must cultivate a relationship of trust and confidence with every Assistant U.S. Attorney with whom you deal. It cannot be stressed enough that a professional attitude will go a long way to making you an exceptional Senior Inspector. This applies as well to your relationship with other outside agencies on whom we depend for a large amount of information and assistance.*

ADMINISTRATIVE DUTIES

- *Fill out your G-844, (AUO report), with a description of work which could withstand an audit many months or even years from now. Be sure to reference file numbers and case names if they are available. Tell me exactly what you did on AUO, including posting lookouts or reviewing information from database queries. Your G-844 is to be submitted no later than Monday morning for the previous week.*

- *Given the Service's mandate to hold overtime expenditures under specified limits, you must submit copies of your leave and earnings statements to myself and to Inspector Jeff Sawyer. You are also required to submit copies of overtime bills to myself and Inspector Sawyer.*
- *Keep me advised as to any schedule changes necessary for the cases you are involved in. You are expected to be flexible in terms of your schedule. If you must change a day off in order to testify or be present in court, it is reasonable to expect that you will be willing to do this. It comes with the position. It is understood that this may create some hardship in your personal life. In exchange, you can expect flexibility on my part in terms of approving schedule changes or annual leave requests which do not adversely impact the Unit's duties and responsibilities. The Unit will generally not be staffed with less than three persons. The only exception to this is Sunday, when the minimum is two.*

KEEP ME INFORMED!

- *All faxes must be reviewed by me before being signed by the Port Director, (or someone acting in her place).*
- *I want to know when you initiate contact with an outside agency for the first time on a particular case BEFORE you initiate that contact.*
- *If you have a question as to whether or not something should be brought to my attention, it probably needs to be brought to my attention.*
- *I value your input about the activities and direction of the Unit. However, I may decide, for whatever reason, not to act upon your idea(s). This does not mean that I do not value your suggestions. I do not pretend to have all the answers, and if I don't have an answer for you, I will tell you.*